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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,128	04/07/2004	Tomio Otani		2464

7590 04/05/2005  
Tomio Otani  
13-9 Motogo 3-chome  
Kawaguchi-shi, 332-0011  
JAPAN

EXAMINER

BRINSON, PATRICK F

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5P

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,128	<b>Applicant(s)</b> OTANI ET AL.	
	<b>Examiner</b> Patrick F. Brinson	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2, 4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 4 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: The specification has a few instances where the language is not as clear as it could be. For instance, page 1, lines 24 and 25, recites "...a pipe for water pipe and the like...". It is suggested that "pipe for" and "and the like" are deleted. Therefore, that portion of the sentence would read, "...the present invention to provide a water pipe which can improve water quality efficiently...". Likewise, page 1, line 26, page 7, line 1, and page 5, line 10 should be amended in the same fashion. Page 3, line 6 recites, "...providing at an inner surface...". "Providing" should be changed to "provided". Page 3, line 7 recites "...mixed a mixture...", and should be changed to "...mixed into a mixture...". Lines 9 and 10 disclose "...weakly-alkalized (about pH 8) of water...". It is not clear what "weakly-alkalized of water" is. Similarly, line 22 also recites "weakly-alkali". Page 4, line 1 also recites "weakly-alkalinity". Page 5, lines 10 and 11 are also not clear and should be amended as follows: "(1) The water pipe includes a pipe body which is used as a water pipe, supply-pipe, drainage pipe and the like, including a mixed layer, provided at an...". In line 15 of page 5 it is not clear what "...even if it twists any faucet..." means. It is suggested that line 21 of page 5 is deleted wherein references to claims in the specification should not be used since

claims and claim numbers may be changed and/or deleted. It is suggested that a “,” is added between the words “mixed” and “the mixture” at lines 11 and 18 of page 4.

### ***Claim Objections***

2. Claims 2, 4 and 6 are objected to because of the following informalities: The claims still are not as grammatically clear as they could be. For instance, they all recite “a pipe for water pipe and the like”. It is suggested that this is amended to read “a pipe body”. Claims 2 and 4 recite “...a mixed layer, providing at an inner surface...”. It is suggested that “providing” is changed to “provided”. See suggested amendments to the claims in paragraph #6. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claims 2 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 2 and 4 now recite that the mixture includes “one of a powder of tourmaline ore, a granite and a charcoal grain powder”, however the original claims as well as the specification do not

support the mixture as including one of these elements. The specification, page 3, lines 7 and 8 discloses the mixture including tourmaline ore, granite and charcoal grain powder, which would indicate that the mixture includes all of these elements, and not just one of these. Likewise, page 4, lines 12 and 19 and page 5, lines 12 and 13 also disclose all of the elements in the mixture, and not just one of the elements.

Appropriate correction is required.

#### ***Response to Amendment***

4. Applicant addressed the objections and rejections of the first office action, but appears to have inadvertently amended claims 2 and 4 to state that the mixture includes “one of a powder of tourmaline ore, a granite and a charcoal grain powder” which was not originally claimed, nor is supported in the specification. Additionally, the specification has a few minor objections that should be corrected.

#### ***Allowable Subject Matter***

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. It is suggested that the claims be amended as followed to place them in condition for allowance:

2) A ~~pipe for water pipe and the like comprising:~~

——a pipe body which is used for one of a water pipe, a supply-pipe and a drainage pipe comprising; and

a mixed layer, provided ~~providing~~ at an inner surface of the pipe body, the mixed layer including a mortar layer and a resin layer ~~and~~ being mixed into a mixture which includes ~~one of~~ a powder of tourmaline ore, a granite and a charcoal grain powder with effects for far-infrared ray and anion.

4) A ~~pipe for water pipe and the like comprising:~~

——a pipe body which is used for one of a water pipe, a supply-pipe and a drainage pipe comprising; and

a mixed layer, provided ~~providing~~ at an inner surface of the pipe body, the mixed layer including a resin layer ~~and~~ being mixed into a mixture which includes ~~one of~~ a powder of tourmaline ore, a granite and a charcoal grain powder with effects for far-infrared ray and anion.

6) A pipe ~~for water pipe and the like~~ according to either ~~any~~ of claims 2 and 4, wherein the pipe body is made of a synthetic resin ~~which is added the mixture.~~

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, reading "Patrick F. Brinson". The signature is written in a cursive, flowing style with a large, prominent "P" and "B".

Patrick F. Brinson  
Primary Examiner  
Art Unit 3754

P. F. Brinson  
April 4, 2005